

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed February 24, 2006. Claims 1, 8, 13, and 18 are amended. Claims 1-22 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. CLAIM ART REJECTIONS

A. Rejection Under 35 U.S.C. §102(b)

The Examiner rejects claims 1-2, 5-9, 16-19, and 22 under 35 U.S.C. § 102(b) as being anticipated by *Pusateri et al* (United States Patent No. 6,008,995). Because *Pusateri* does not teach or suggest each and every element of the rejected claims, Applicants respectfully traverse this rejection in view of the following remarks.

As amended, each of the independent claims 1, 8, 13 and 18 specifically requires that the card portion of the functional module be supported within a card cage along its two side edges, as well as **along a substantial portion of the length of the card** – i.e., greater than about half the length of the card. Nowhere is this shown or taught by *Pusateri*. Moreover, claims 1 and 8 have also been amended to require the presence of “a plurality of conductive elements” disposed about at least a portion of the periphery of the front panel portion. Again, this feature is not taught by the cited reference. Since *Pusateri* does not teach the apparatus being claimed in

independent claims 1, 8, and 18, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn. Claims 2 and 5-7 depend from claim 1, claim 9 depends from claim 8, claims 16 and 17 depend from claim 13, and claims 19-22 depend from claim 18. Therefore, the Applicant respectfully requests that the rejections of claims 2, 5-7, 9, 16, 17, and 19-22 be withdrawn at least for the same reasons as the independent claim from which claims 2, 5-7, 9, 16, 17, and 19-22 depend.

Regarding the rejection of claims 16 and 17, the Applicant further notes that these claims depend from claim 13. Claim 13 includes the element, “the card having first and second side edges and defining at least one cutout having opposing edges and the at least one cutout being interposed between the first and second side edges so that when the functional module is received in the card cage, the first and second side edges of the card are supported by the first and second card guides, respectively, and the opposing edges of the at least one cutout defined by the card are supported by the third card guide....” Dependent claims include every element of the independent claim from which they depend. The Examiner has not addressed this element of claims 16 and 17 in the rejection. Therefore, a *prima facie* case of anticipation has not been set forth regarding claims 16 and 17, and as such, the Applicant requests that the rejection of claims 16 and 17 be withdrawn for this reason as well.

B. Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 3-4, 11-15, and 20-21 under 35 U.S.C. § 103 as being unpatentable over *Pusateri et al.* (U.S. Patent No. 6,008, 995) in view of *Henschen* (U.S. Patent No. 3,533,045). Applicants traverse the Examiner’s rejection for obviousness on the grounds that the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims.

According to the applicable statute, a claimed invention is unpatentable for obviousness if the differences between it and the prior art “are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art.” 35 U.S.C. § 103(a) (2005); *Graham v. John Deere Co.*, 383 U.S. 1, 14 (1966); MPEP 2142. Obviousness is a legal question based on underlying factual determinations including: (1) the scope and content of the prior art, including what that prior art teaches explicitly and inherently; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention

and the prior art; and (4) objective evidence of nonobviousness. *Graham*, 383 U.S. at 17-18; *In re Dembiczak*, 175 F.3d 994, 998 (Fed. Cir. 1999). It is the initial burden of the PTO to demonstrate a *prima facie* case of obviousness, which requires the PTO to show that the relied upon references teach or suggest all of the limitations of the claims. MPEP 2142 (emphasis added).

According to MPEP section 2143:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added).

As discussed above, independent claims 1, 8, 13 and 18 requires that the card portion of the functional module be supported within a card cage along its two side edges, as well as along at least half the length of the card. The Examiner has not shown that *Pusateri* discloses the claimed card support in combination with every other element of claim 13. Since *Pusateri* does not teach the apparatus being claimed in independent claim 13, Applicants respectfully request that the rejection under 35 U.S.C. § 103 be withdrawn. Moreover, *Henschen* fails to correct this deficiency. Indeed, *Henschen* merely teaches the presence of a “notch” 54 formed along one edge of the printed circuit board that is configured so as to engage the guide 2 portion. Nowhere does *Henschen* teach or suggest the claimed combination, wherein the card portion is supported along at least half the length of the card as is currently required.

Claims 3-4 depend from claim 1, claims 11-12 depend from claim 8, claims 14 and 15 depend from claims 13, and claims 20-21 depend from claim 18. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, the Applicant requests that the rejection of claims 3, 4, 11, 12, 14, 15, 20, and 21 be withdrawn for at least the same reasons as the independent claims from which claims , 4, 11, 12, 14, 15, 20, and 21 depend.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 24th day of July, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric L. Maschoff", with a stylized, sweeping flourish at the end.

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